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NVIDIA CORPORATION

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 MONICA GRANFIELD, individually and on
15 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 NVIDIA CORPORATION,

19 Defendant.
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Case No. 3:11-cv-05403-JW

**NOTICE OF MOTION AND MOTION
TO DISMISS SECOND AMENDED
CLASS ACTION COMPLAINT**

Date: June 11, 2012
Time: 9:00 A.M.
Courtroom: 9, 19th Floor
Judge: Hon. James Ware

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on June 11, 2012 at 9:00 a.m., or as soon thereafter as
 3 the matter may be heard, in 9 of the Northern District of California courthouse, located at 450
 4 Golden Gate Avenue, San Francisco, California, 94102, before the Honorable Chief Judge James
 5 Ware, defendant NVIDIA Corporation ("NVIDIA") will and hereby does move the Court to
 6 dismiss Plaintiff's Second Amended Class Action Complaint ("SAC"). NVIDIA brings this
 7 motion pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b). The grounds for this
 8 motion are that the SAC does not state a claim upon which relief can be granted against NVIDIA,
 9 and it fails to plead facts with the particularity as required by Rule 9(b).

10 This motion is based on this Notice of Motion and Motion; the Memorandum of Points
 11 and Authorities in support thereof; the Request for Judicial Notice in support thereof; the
 12 Proposed Order; and any and all other supporting documents, all of which are incorporated by
 13 reference herein, and all papers, pleadings, documents, arguments of counsel and other materials
 14 before or during the hearing on these motions, and any other evidence and argument the Court
 15 may consider.

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 17 Dated: April 12, 2012

Respectfully submitted

18 **ORRICK, HERRINGTON & SUTCLIFFE LLP**

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 20 By: /s/ Robert P. Varian
 ROBERT P. VARIAN

21 Attorneys for Defendant
 22 NVIDIA CORPORATION
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